

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LESLIE BERNARD HOWARD,)
Petitioner,)
v.)
JOHN KNUDSEN, ET AL.)
Respondent.)
Case No. 1:12CV0003 AGF

MEMORANDUM AND ORDER

The matter is before the Court on Defendants' motion for summary judgment, filed on March 11, 2013. Upon consideration of that Motion and lack of opposition thereto, the Court will grant the Motion as set forth below.

Plaintiff filed his complaint, pursuant to 42 U.S.C. § 1983, seeking damages against Defendants, Corizon, Inc., f/k/a Correctional Medical Services, Inc, and Dr. John Knudsen. Plaintiff's claims and allegations against Defendants relate to the care and treatment he received for an infection that developed in the small toe of his right foot and the subsequent surgical removal of the toe. Plaintiff alleges Defendants' deliberate indifference to Plaintiff's serious medical needs violates the Eighth Amendment of the United States Constitution. (See Plaintiff's Amended Complaint, Doc. No. 7.)

Plaintiff was previously incarcerated at Moberly Correctional Center of the Missouri Department of Corrections. Defendant Corizon, Inc. has a contract with the Missouri Department of Corrections to provide medical care to offenders. Defendant

Knudsen provided medical care to Plaintiff at Moberly Correctional Center. At the time of the alleged incidents, Plaintiff had an eight-year history of diabetes and also had nerve damage and poor circulation in his legs and feet attributable to his diabetes and a gunshot wound.

In its motion for summary judgment, Defendant Corizon, Inc. asserts it is entitled to judgment as a matter of law because Plaintiff's claims are premised entirely on the alleged actions or inactions of Defendant Knudsen. Liability in a case brought pursuant to 42 U.S.C. § 1983 cannot be premised on the theory of respondeat superior. Plaintiff has not pled that Defendant Corizon, Inc. maintained any unconstitutional customs, practices, or policies. In addition, the undisputed medical evidence demonstrates that Defendant Knudsen and other medical staff promptly and appropriately addressed each complaint raised by Plaintiff, providing numerous medical examinations, foot treatments, appointments with medical specialists, follow-up care, medication, footwear, and mobility devices. Therefore, Defendant Corizon, Inc. is entitled to summary judgment on Plaintiff's claim against it.

In addition, Defendant Knudsen is entitled to summary judgment because Plaintiff has not presented sufficient facts or evidence to establish that Defendant Knudsen acted with deliberate indifference toward his serious medical needs or that any alleged delay in Plaintiff's medical treatment or course of treatment had a detrimental effect or constituted a constitutional deprivation.

IT IS HEREBY ORDERED that Defendants' motion for summary judgment on Plaintiff's claims is **GRANTED**.

A separate Judgment will accompany this Memorandum and Order.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 28th day of January, 2014.